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November 18, 2019

VIA ECF

Hon. Debra C. Freeman
United State District Court
Southern District of New York
500 Pearl Street, Courtroom 17A
New York, New York 10007-1312

Re: *Eastern Profit Corporation Limited v. Strategic Vision US, LLC, et al.*,
Case No. 18-CV-2185-JGK

Dear Judge Freeman:

We represent non-party Karin Maistrello (“Mr. Maistrello”) in connection with the above-entitled action. We submit this letter in response to the subpoena (“Subpoena”) dated November 7, 2019 (*see attached*) that was issued to LinkedIn Corporation (“LinkedIn”) by defendant Strategic Vision US, LLC (“Strategic”) seeking account, billing, and geographic tracking information for ten LinkedIn accounts, of which Ms. Maistrello’s is one. This letter is also submitted in further support of our letters on behalf of non-parties Yvette Wang (“Ms. Wang”), Guo Wengui (“Mr. Guo”) and Golden Spring (New York) (“GSNY”) requesting that subpoenas to Google, AT&T, and T-Mobile requesting overbroad and invasive personal information about them be quashed (the “Other Subpoenas”).

The Subpoena seeks wide-ranging personal information including, but not limited to, geographic tracking data, home addresses, phone numbers, email addresses, billing information, dates on which the LinkedIn accounts were created and, indeed, every date on which and location from which the accounts were accessed. All of this information Strategic seeks concerning a non-party who it is clear has no information concerning this action.

Ms. Maistrello was a director of ACA for seven months, and did not begin as a director of ACA until nearly two years after the contract at issue in this breach-of-contract case had been terminated.¹ As expected, when Strategic deposed Ms. Maistrello, it did not ask her a single question about the contract at issue in this case. Ms. Maistrello does not have any information concerning the loan from ACA to Eastern Profit Corporation Limited (“Eastern”).²

¹ See Transcript of the Deposition of Karin Maistrello (“Maistrello Tr.”), 12:19-12:20. I will send to the Court a copy of the relevant pages of the Maistrello Tr., as the transcript is subject to the confidentiality stipulation in this action.

² See Maistrello Tr., 94:7-94:23.

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Ms. Maistrello does not have any information concerning ACA's finances³ – which the Court has already stated are beyond the scope of this case.⁴ Ms. Maistrello does not have any information concerning Eastern⁵ or Strategic.⁶ Indeed, Ms. Maistrello has no information remotely relevant to this action.

Moreover, the Court has already denied Strategic's request for a second deposition of Ms. Maistrello and for metadata underlying her document production as "disproportionate to the needs of the case." *See* Doc. No. 184. Nonetheless, in furtherance of its scheme to harass Mr. Guo and his circle of acquaintances and business partners, Strategic has subpoenaed personal information – including geographic tracking information – of Ms. Maistrello. There is no reasonable explanation for this most recent attempt at harassment.

The Subpoena, and specifically the request for financial and geographic tracking information of non-party Karin Maistrello, violates Rule 11 of the Federal Rules of Civil Procedure. Indeed, the Court has already warned Strategic's counsel during a telephone call on November 8, 2019 that courts are not inclined to grant such information in criminal cases, much less of a non-party in a civil action. While Strategic's counsel has stated that Strategic would be willing to withdraw its request for geographic tracking information, Strategic has made no effort of which we are aware to do so. Strategic and its counsel should be sanctioned for its continued discovery abuses which can only be meant to harass non-parties.

If the Court wishes, we are available for a conference to discuss further.

Respectfully submitted,

/s/ Erin N. Teske

Erin N. Teske

³ *See* Maistrello Tr., 39:12-39:14,

⁴ *See* Transcript of Proceedings Before The Honorable Judge Debra C. Freeman, United States District Court Magistrate Judge, 24:25-26:3.

⁵ *See* Maistrello Tr., 53:24-54:4.

⁶ *See* Maistrello Tr., 54:16-54:18.